IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.695 of 2008

BIJAY KUMAR @ BIJAY SAO OF BASO SAO, RESIDENT OF GOLA PAR, BARBIGHA, P.S. BARBIGHA, DISTRICT-SHEIKH-PURA ---------- **PETITIONER**

Versus

1.THE STATE OF BIHAR **----------** **OPP.PARTY**

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4 20-11-2008 It is stated by the learned counsel for the petitioner that some of the accused who were earlier chargesheeted were put on trial vide Sessions Trial no.71 of 2008 which ended in their acquittal by Judgment dated 27.9.2008 passed by the learned Presiding Judge, F.T.C.No.V, Sheikhpura. On the aforesaid ground he has prayed that under the similar situation he is equally entitled to similar benefit.

I am afraid that in the light of the observations made by the Hon'ble Apex Court I cannot accede to his demand since it has been clearly observed by the Hon'ble Supreme Court for acquittal of co-accused cannot result in acquittal of other co-accused, who have not been tried with them , but against whom chargesheet have been submitted.

In that view of the matter, the learned counsel for the petitioner prays for permission to withdraw this application, so that he may move before the appropriate forum at the appropriate time for seeking his remedy and relief.

With the aforesaid liberty given to the petitioner, this application is dismissed as withdrawn.

(Abhijit Sinha, J)

NKS/-

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